

INTER-OFFICE COMMUNICATION FROM
THE OFFICE OF
CLERK OF THE BOARD OF COUNTY COMMISSIONERS

May 15, 1987

TO: Jan Winters, County Administrator
Lisa Heasley, County Attorney's Office
Maureen Cullen, Asst. County Attorney
David Bludworth, State Attorney
Joy Shearer, Asst. Attorney General
Jerry Nolan, Sheriff's Office-Admin.
John Lehner, PZ&B
Bob Palchanis, Building Division
Patty Young, 4th Dist. Ct. of Appeals
Law Library
County Library (2)
Pinky Yount, PBC Municipal League, Inc.
1708 N. Lakeside Drive, Lake Worth, FL 33460
Herb Kahlert, County Engineer
Charlie Walker, Traffic

FROM: John W. Dame
Chief Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE DISTRIBUTION

ORDINANCE NO. 87-7

TITLE REFERENCE:

Ordinance amending Ord 85-12, providing for the prohibition of the sounding of railroad train horns & whistles between 10:00 p.m. & 6:00 a.m.....

Attached is a copy of the above referenced Ordinance of Palm Beach County. This Ordinance has been filed with Florida Department of State and forwarded to Municipal Code Corporation for codification. The effective date is May 11, 1987, 4:55 P.M..

JWD:lc

attachment

cc:* Commissioners, BCC
John B. Dunkle, Clerk
Minutes

* If a copy of ord. is needed please advise Ms. Lorie Clinger, Finance Department at 820-2959.

ORDINANCE NO. 87-7

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE 85-12,
PROVIDING FOR THE PROHIBITION OF THE SOUNDING OF
RAILROAD TRAIN HORNS AND WHISTLES BETWEEN 10:00 P.M.
AND 6:00 A.M.; PROVIDING FOR AMENDMENT TO SECTION 1;
PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING
FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE
CODE OF LAWS AND ORDINANCES; PROVIDING FOR AN
EFFECTIVE DATE.

WHEREAS, §351.03(3)(a), (F.S.A., 1984 Supp.), originally
permits a county to unconditionally prohibit the sounding of railroad
train horns and whistles during the hours of 10:00 p.m. to 6:00 a.m. at
all public at-grade crossings having train activated automatic traffic
control devices where the County has erected traffic signs announcing to
motorists that railroad train horns and whistles will not be sounded
during said hours; and

WHEREAS, on May 21, 1985, the Board of County Commissioners of
Palm Beach County, Florida, adopted Ordinance 85-12 providing for such
prohibition; and

WHEREAS, the Legislature has amended §351.03 (3)(a) to
regulate railroad highway crossing; and

WHEREAS, it is now necessary to amend the ordinance to comply
with the amendment in the enabling statute.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that:

Section 1.

Section 1 of Ordinance 85-12 shall be amended as follows:

It shall be unlawful for a railroad train approaching a ~~public~~
at-grade railroad highway crossing having train activated automatic
traffic control devices, including flashing lights, bells and crossing
gates, to emit an audible warning signal in advance of said intersection

1 between the hours of 10:00 p.m. and 6:00 a.m. This prohibition shall
2 not apply to any such intersection where the County has failed to erect
3 traffic signs in accordance with state law announcing to motorists that
4 railroad train horns and whistles will not be sounded during said hours.

5 Section 2.

6 Section 2 of Ordinance 85-12 shall be amended as follows:

7 The County Engineer shall identify all railroad crossing
8 intersections within the County which are signalized with train-activated
9 automatic traffic control devices including flashing lights, bells and
10 crossing gates. Prior to ~~July 1, 1985~~, June 1, 1987, the County
11 Engineer shall cause to be erected at all such intersections traffic
12 signs in accordance with state law announcing to motorists that railroad
13 train horns and whistles will not be sounded during the hours between
14 10:00 p.m. and 6:00 a.m.

15 REPEAL OF LAWS IN CONFLICT

16 All local laws and ordinances applying to the unincorporated
17 area of Palm Beach County in conflict with any provisions of this
18 ordinance are hereby repealed.

19 SEVERABILITY

20 If any section, paragraph, sentence, clause, phrase, or word of
21 this ordinance is for any reason held by the Court to be unconstitu-
22 tional, inoperative or void, such holding shall not affect the remainder
23 of this ordinance.

24 INCLUSION IN THE CODE OF LAWS AND ORDINANCES

25 The provisions of this ordinance shall become and be made a
26 part of the code of laws and ordinances of Palm Beach County, Florida.
27 The Sections of the ordinance may be renumbered or relettered to
28 accomplish such, and the word "ordinance" may be changed to "section,"
29 "article," or any other appropriate word.

30 EFFECTIVE DATE

31 The provisions of this ordinance shall become effective upon
32 receipt of acknowledgement by the Secretary of State.

1 APPROVED AND ADOPTED by the Board of County Commissioners of
2 Palm Beach County, Florida, on the 28 day of April, 1987.

3 PALM BEACH COUNTY, FLORIDA, BY ITS
4 BOARD OF COUNTY COMMISSIONERS

5 By Carol A. [Signature]
6 Chairman

7 APPROVED AS TO FORM AND
8 LEGAL SUFFICIENCY

9 Maurice Cullen
10 County Attorney

11 Acknowledgement by the Department of State of the State of
12 Florida, on this, the 6th day of May, 1987.

13 EFFECTIVE DATE: Acknowledgement from the Department of State
14 received on the 11th day of May, 1987, at 4:55
15 P.M., and filed in the Office of the Clerk of the Board of County
16 Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on 4/28/87
DATED at West Palm Beach, FL on 5/15/87
JOHN B. DUNKLE, Clerk,
By: [Signature] D.C.
Deputy Clerk